



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2017 Biennium

Bill #	HB0191	Title:	Revise laws governing investigations of abuse at Montana state hospital
Primary Sponsor:	Eck, Jennifer	Status:	As Amended in Senate Committee

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>
Expenditures:				
General Fund	\$150,573	\$150,573	\$152,832	\$155,124
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>(\$150,573)</u>	<u>(\$150,573)</u>	<u>(\$152,832)</u>	<u>(\$155,124)</u>

Description of fiscal impact: As amended, HB 191 would require the Department of Justice to contract with a private investigator to conduct investigations of alleged abuse and neglect of patients at the Montana State Hospital.

FISCAL ANALYSIS

Assumptions:

1. In 2014, the Montana Department of Justice (DOJ) conducted 100 abuse investigations at the Montana Developmental Center (MDC) in Boulder which has 50 beds, 200 employees, and a mandatory 5 business day completion of abuse investigations.
2. The Montana State Hospital (MSH), an in-patient psychiatric hospital, has a total of 208 beds with an average daily census of 187 patients and has 405 full-time employees. MSH daily census is nearly 4 times the number as MDC.
3. The costs in this fiscal note assume a contract rate of \$75 per hour for a private investigator.
4. This fiscal note assumes 100 abuse/neglect allegation investigations each year, with each investigation taking an average of 2 days (16 hours) with a total annual cost of \$120,000.
5. There will be mileage, per diem, and other travel expenses associated with contracting for investigations. This fiscal note assumes travel time of \$22,500; per diem costs of \$3,588.00; and mileage costs of \$4,485. MSH's location will require frequent travel for investigators.

6. Costs are inflated at 1.5 percent in FY 2018 and FY 2019.

	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>
<u>Fiscal Impact:</u>				
FTE				
<u>Expenditures:</u>				
Operating Expenses	\$150,573	\$150,573	\$152,832	\$155,124
TOTAL Expenditures	\$150,573	\$150,573	\$152,832	\$155,124
<u>Funding of Expenditures:</u>				
General Fund (01)	\$150,573	\$150,573	\$152,832	\$155,124
TOTAL Funding of Exp.	\$150,573	\$150,573	\$152,832	\$155,124
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
TOTAL Revenues	\$0	\$0	\$0	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$150,573)	(\$150,573)	(\$152,832)	(\$155,124)

Technical Notes:

1. HB 191 includes a requirement for abuse investigations to be completed within 10 business days which reduces flexibility in necessary resources as failure to meet the timeline jeopardizes both the facility and DOJ's compliance with the law.
2. The MSH cares for Montanan's with mental illness found to be a danger to themselves or others and includes a forensic unit of people with mental illness who are charged or convicted of crimes. Standard training for private investigators does not include skills required to interview people with diagnosed mental illness, impacts of symptoms, impacts of medications, and significance of various treatment planning and behavioral plans.
3. Standard training for private investigators does not include a working knowledge of federal and state requirements for government hospital facilities and the ramifications of substantiated abuse or neglect in the facility.
4. Montana law governing independent contracting dictates that the DOJ will have less ability to direct and control the quality of investigation with a contracted professional than with a DOJ employee.

Sponsor's Initials

Date

Budget Director's Initials

Date